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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,455	12/14/2001	Cornelis Jacobus Bosselaar	16,379	9329

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KIMBERLY-CLARK WORLDWIDE, INC.  
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EXAMINER

BOGART, MICHAEL G

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 09/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/020,455

Applicant(s)

BOSELAAR ET AL.

Examiner

Michael G. Bogart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 21 is objected to because of the following informalities:

In line 11, after “incidents”, there is a period “.” separating the claim into multiple sentences. Each claim should begin with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Levin (GB 2 238 286 A).

Regarding claim 1, Levine teaches a combination for managing the involuntary loss of bladder control comprising:

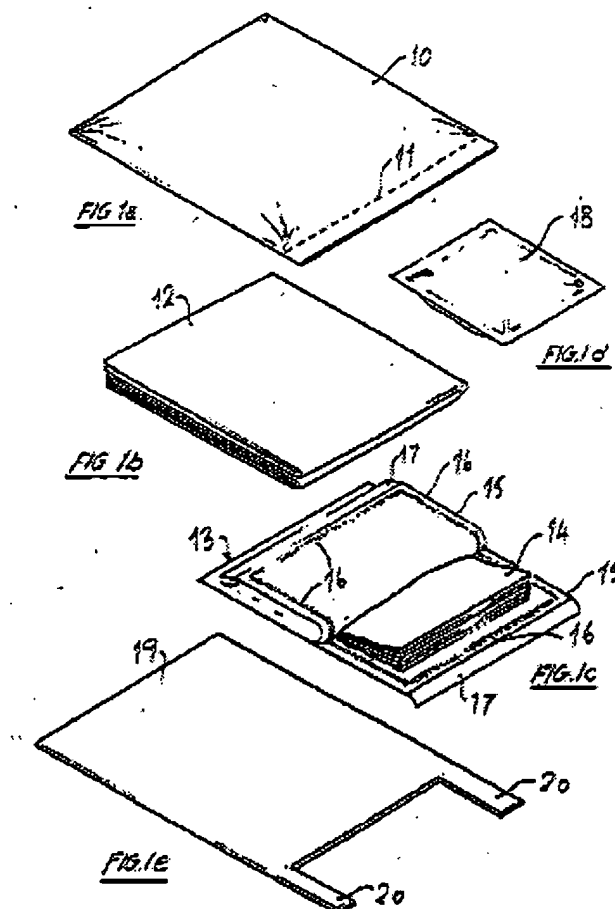
an anti-incontinent agent (14) capable of reducing urinary loss;

a first wrapper (13) enclosing said anti-incontinent agent (14);

an absorbent article (12) positioned adjacent to said wrapped anti-incontinent agent (13), said absorbent article capable of absorbing urine that is involuntarily lost (col. 3, lines 1-5); and

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a pouch (10) enclosing said wrapped ant-incontinent agent (14) and said absorbent article (12) to reduce the likelihood of embarrassing incontinent incidents (see Figs. 1a-1e, below).



Regarding claim 9, Levine teaches that said first wrapper (13) and said pouch (10) are formed of different materials, respectively, a laminated paper, and a plastics material.

Regarding claim 21, Levine teaches the steps of opening the pouch (10) and removing the anti-incontinent agent (14)(Abstract). The anti-incontinent agent of Levin comprises impregnated wipes (14) designed to clean up incontinent incidents via absorption and impregnated cleaning fluid.

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Claim 22 is rejected under 35 U.S.C. § 102(b) as being anticipated by Weber *et al.* (US 6,352,528 B1).

Weber *et al.* teach a combination for managing the involuntary loss of bladder control comprising:

a disposable absorbent article (20) constructed of a liquid pervious topsheet (42), a liquid impervious backsheet (40) joined to the topsheet (42), and an absorbent core (44) disposed between the topsheet (42) and the backsheet (40), said absorbent core (44) containing super absorbent polymer (col. 13, line 59); and

written information (92) related to an anti-incontinent agent (20), i.e., the absorbent article (see Fig. 3, below).

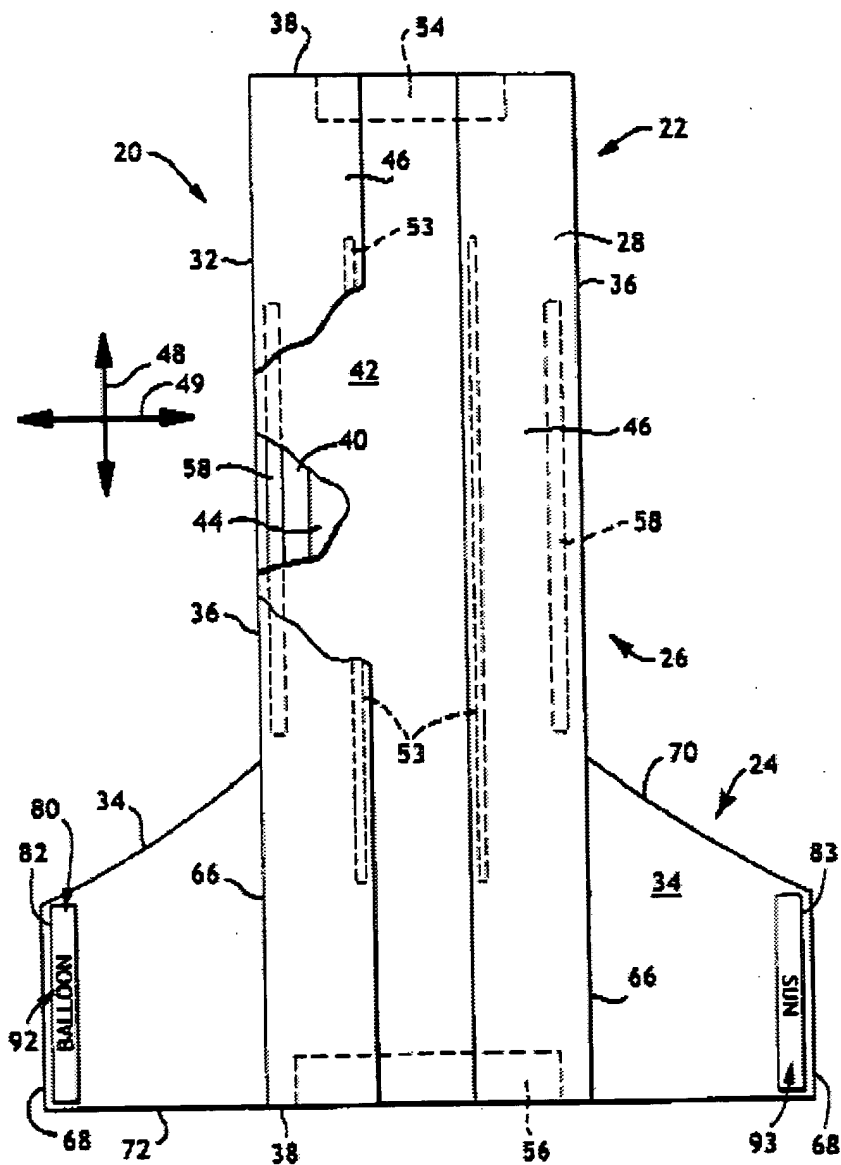


FIG. 3

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine.

Levine expressly discloses the claimed invention except for a liquid pervious topsheet (page 3, lines 1-5).

The Examiner takes official notice of the fact that it is well known in the art of absorbent articles to overly an absorbent layer and impermeable backsheet with a permeable topsheet for many various reasons. These reasons include, among others, vertical and/or horizontal liquid distribution or wicking, holding the absorbent layer in place, reducing back wetting, etc.

#### ***Allowable Subject Matter***

Claims 10-20 are allowed.

Claims 2-6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2-4 and 10-15, no art of record teaches a combination of a wrapped anti-incontinence drug placed together with an absorbent article in a pouch to reduce the likelihood of incontinent incidents.

Regarding claims 5, 6 and 16-19, no art of record teaches a combination of a wrapped anti-incontinence agent capable of supporting a bladder neck or obstructing a urethra, placed together with an absorbent article in a pouch to reduce the likelihood of incontinent incidents.

Regarding claims 8 and 20, no art of record teaches a combination of a wrapped anti-incontinence agent placed together with an absorbent article in a pouch to reduce the likelihood of incontinent incidents, the pouch having first and second ends, first and second edges, the first end overlapping the second end.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached Monday-Friday.

In the event the examiner is not available, the examiner's supervisor, Weilun Lo may be reached at phone number (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 746-3380 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.



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Michael Bogart  
September 10, 2003



WEILUN LO  
SUPERVISORY PATENT EXAMINER  
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